THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11671 of 1999

Dated: 17.07.2006

Between
K.Somavathi

…..Petitioner

and

1.The Superintending Engineer, Irrigation Circle, Near Collector's Office, Eluru, West Godavari District and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11671 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in highhandedly dispossessing the petitioner by cutting and removing the fruit yielding coconut trees situated in the private lands of the petitioner located in R.S.Nos. 389, 390/1, 390/2, 390/3 and 390/5 of Aredu village, Undi Mandal, West Godavari District as arbitrary and illegal.

The grievance of the petitioner is that he is the absolute owner of the lands shown in the above survey numbers of Aredu village, Undi Mandal, West Godavari District. While so, the respondents are digging and widening the drainage channel through lands of the petitioner highhandedly without following the due process of law.

A detailed counter affidavit has been filed by the respondents 1 to 4, wherein it is asserted at paragraph 4 that the work of improvements to Polimeracodu of Panduvva was entrusted to Water Users Association, Arthavaram. Even though a proclainer was deployed only for the excavation work, it was not used for work on either side of drain banks. To safeguard the trees, which were purported to be belonged to the petitioner, the drain bank work was done by manual labour only and proclainer was never used. The coconut trees were neither cut nor disturbed.

In view of the above, nothing survives for adjudication in the writ petiton and as such, the writ petition is closed.

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17.07.2006

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